

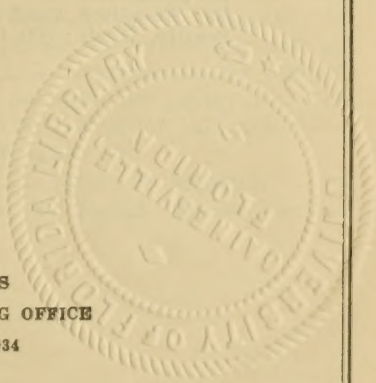
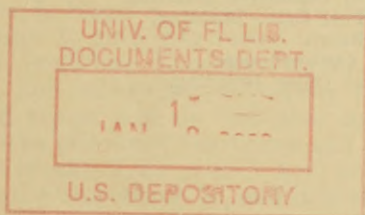
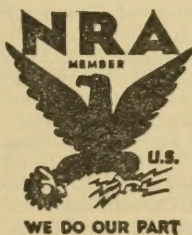
NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

INLAND WATER CARRIER TRADE
IN THE EASTERN DIVISION OF THE
UNITED STATES OPERATING VIA
THE NEW YORK CANAL SYSTEM

AS APPROVED ON FEBRUARY 6, 1934

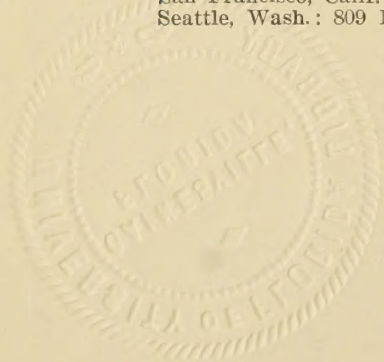


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Approved Code No. 266

CODE OF FAIR COMPETITION

FOR THE

**INLAND WATER CARRIER TRADE IN THE
EASTERN DIVISION OF THE UNITED STATES
OPERATING VIA THE NEW YORK CANAL
SYSTEM**

As Approved on February 6, 1934

ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE INLAND WATER CARRIER TRADE IN THE EASTERN DIVISION OF THE UNITED STATES OPERATING VIA THE NEW YORK CANAL SYSTEM

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543-A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be, and it is hereby approved.

HUGH S. JOHNSON,

Administrator for Industrial Recovery.

Approval recommended:

K. M. SIMPSON,

Division Administrator.

WASHINGTON, D.C.

February 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System has been duly assented to by the proponents of the code, the Canal Carriers Association, representing over 90% of the operators in the Trade. The Public Hearing was conducted in Washington on November 27, 1933, at which time every person who so requested was fairly heard in accordance with the usual procedure. The Code has the approval of the Industrial, Consumers', and Labor Advisory Boards of the National Recovery Administration.

DESCRIPTION OF THE TRADE

As defined in the code the trade embraces a specialized operation by means of which a substantial portion of the commodities moving between the Atlantic seaboard and the Great Lakes region are transported by way of the New York Canal System and the Saint Lawrence River.

The code is designed to be coordinated with a proposed code of fair competition for the Inland Water Carrier Trade in the United States which may become a section of a general code of fair competition for the Shipping Industry.

RÉSUMÉ OF THE CODE

ARTICLE I.—States the purpose.

ART. II.—Sets forth definitions.

ART. III.—Provides for coordination with other transportation codes or regulations.

ART. IV.—Provides for participation by members of the trade.

ART. V.—Eliminates child labor, contains the labor provisions required by the Act, provides an Industrial Relations Board to deal with matters relating to labor disputes in the trade.

ART. VI.—Provides a maximum average of 43 hours weekly for shore employees other than watchmen who are permitted to work 56 hours per week. The maximum hours of labor for vessel employees will be in accordance with the revised schedule of wage scales and working conditions to be presented for the approval of the Administrator within 60 days after the effective date of the Code, or before the opening of navigation. Ship-keepers and employees in a managerial, supervisory, or executive capacity are exempted from the maximum hour provisions. In an emergency all employees may be exempted from the maximum hour provisions

if compensated for such additional time worked at one and one half times the normal rate of pay.

ART. VII.—Provides a minimum of \$15.00 per week for shore employees excepting office boys and girls who may be compensated at 80% of that amount. Provision is made for a comprehensive survey of the labor conditions and rates of pay on board ship and provides for the establishment of an adjusted schedule of minimum wages; and working conditions designed to better effectuate the policies of the Act.

ART. VIII.—Provides for the establishment of minimum rates, fares, and charges as part of a general plan for coordinating inland waterway transportation with other transportation media and regulating that portion of the trade not now supervised by State or Federal regulatory bodies.

ART. IX.—Requires the filing of statistics as required by the Code Authority, the Administrator, or other Federal and State agencies.

ART. X.—Provides for the election and duties of the Code Authority.

ART. XI.—Sets forth trade practices that are considered unfair methods of competition.

ART. XII.—Provides against monopolies and monopolistic practices or the elimination of, oppression of, or discrimination against small enterprises.

ART. XIII.—Provides for, in accordance with the provisions of the Act, the cancellation or modification of any order, license, rule, or regulation issued hereunder, by the President of the United States.

ART. XIV.—Is designed to limit the possibilities of frustrating the intent and purpose of the code and its stabilization clause when long-term contracts exist.

ART. XV.—Declares the code to be effective 10 days after approval except as provided in Article XIV, Section 1.

LABOR PROVISIONS OF THE CODE—POSSIBLE REEMPLOYMENT

Stabilization of this trade will in all probability provide a small amount of additional employment and benefits will accrue to ship-building and ship repair yards for rehabilitation of old equipment. The code sets a maximum of 44 hours for shore employees during the peak season, representing a decided drop from the 60 hours previously worked in some instances. The number of shore employees is so small, however, that probably not more than 50 additional shore employees will be employed as a result of this maximum hour provision.

In the case of vessel employees, due to the complexities of vessel operation and the limited facilities for berthing crews, it was not deemed practical to attempt a drastic change in the present schedule of hours without first making a comprehensive survey of the labor and operating conditions in the trade.

Provision has been made in the code for this survey which charges the Code Authority with the responsibility of submitting to the Administrator within sixty days after the effective date of the code a revised schedule of minimum wages and working conditions aboard vessels in the trade which will tend to better effectuate the

policies of the Act. This survey will be completed before the opening of navigation in the spring.

The code further provides the establishment of an Industrial Relations Board to deal with matters relating to labor disputes.

WAGES

The code provides a minimum of \$15.00 per week for shore employees with the exception that office boys and girls may be compensated at 80% of that amount. Few employees in the trade are compensated at these minimum rates. The code will effect little increase in wages for shore labor except in the case of watchmen who are assured of an increased pay envelope for a 30% shorter week.

GENERAL ECONOMIC EFFECT OF THE CODE

For the purpose of cooperating in a general plan towards the stabilization of the transportation industry as a whole the code provides for the establishment of minimum rates, fares, and charges for that portion of the trade not now regulated by State or Federal regulatory bodies.

Provision is made for such minimum rates to be established by the majority vote of the members of the code, such minimum rates are, however, subject to the disapproval of the Administrator before becoming effective.

When effective these minimum rates may be protested when it is felt that they are discriminatory and the Administrator in event of protest shall consider the examination and recommendation of the Division of Regulations of the United States Shipping Bureau, Department of Commerce, or the Interstate Commerce Commission, before making his final decision.

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that—

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tends to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production, by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Inland Water Carrier Trade in the Eastern Division of the United States, operating via the New York Canal System normally employs less than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that The Canal Carriers Association is a trade group truly representative of the aforesaid Trade; and that The Canal Carriers Association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

FEBRUARY 6, 1934.

CODE OF FAIR COMPETITION FOR THE INLAND WATER CARRIER TRADE IN THE EASTERN DIVISION OF THE UNITED STATES OPERATING VIA THE NEW YORK CANAL SYSTEM

ARTICLE I—PURPOSE

To effectuate the policies of Title I of the National Industrial Recovery Act the following provisions are submitted as a Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System and upon approval by the President shall be the standard of fair competition for such trade and shall be binding upon every member thereof.

ARTICLE II—DEFINITIONS

“Eastern Division of the United States” includes all inland waters within the territory between Eastport, Maine, and Key West, Florida, westward to, but not including, the Mississippi waterway system or the Great Lakes, but including the St. Lawrence River.

“Inland Water Carrier Trade” or “trade”, as used herein, means the transporting of freight or passengers by water via the New York Canal system or the St. Lawrence River to or from ports in the Eastern Division of the United States and the Great Lakes, including intermediate ports on the New York Canal System, but excluding, however, the trade engaged solely in the transportation of petroleum products.

“Member of the trade” includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise operating owned or chartered vessels in the trade either as an employer or on his or its behalf.

“Member of the Code” means any member of the trade to whom, in accordance with the provisions herein, a Certificate of Participation has been issued.

“Act”, “Administrator”, and “President”, as used herein, means, respectively, the National Industrial Recovery Act, the Administrator for Title I of the Act, and the President of the United States.

“Emergency” means that situation whereby a danger or menace to the safety of a vessel, cargo, life, or property exists, or where the interruption of continuous processes would invoke an undue hardship upon a member of the trade by undue and excessive increase of operating costs.

“Employee” means any individual engaged in the trade, however compensated, except a member of the trade. “Shore employee” means an employee in the trade who is not a member of the crew of a vessel, and “vessel employee” means an employee in the trade who is a member of the crew of a vessel.

ARTICLE III—COORDINATION

1. The Administrator may at his discretion make this Code a division or subdivision of a general Code of Fair Competition for the Shipping Industry.

2. The Administrator may coordinate the provisions of this Code of Fair Competition with related regulations, codes, or agreements, respecting other transportation media.

ARTICLE IV—PARTICIPATION

1. Any member of the trade shall be eligible to receive a Certificate of Participation by filing written assent to the provisions of this Code and agreeing to share in the proportional expenses thereof as provided for in Appendix I.

2. Commencing thirty days after the effective date of this Code every bill of lading, dock receipt, or other shipping document issued by a member of the Code shall bear the following notation: "Subscriber to, and participant in, the Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System No. —."

ARTICLE V—GENERAL LABOR PROVISIONS

1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

2. No member of the trade shall employ any person under eighteen years of age; provided, however, that persons sixteen years of age or over may be engaged as office or clerical employees.

3. No employer shall reclassify employees, or duties of occupations, or engage in other subterfuge in such manner as to defeat the provisions and purpose of the Act and of this Code.

4. No provision of this Code shall supersede any State or Federal law which imposes more stringent requirements regulating the age of employees, wages, hours of work, or safety, health, sanitary, or general working conditions, or insurance or fire protection, than are provided herein.

5. Employers shall post copies of the parts of this Code pertaining to wages, hours of labor and general labor provisions in places accessible to their employees.

6. There shall be established by the Administrator an Industrial Relations Board for the trade consisting of an equal number of representatives of employers and employees to deal with all matters in the trade relating to labor disputes. The creation and functioning of this Board, including the selection of the representatives of employees, shall be in accordance with Section 7 of the Act. Where a majority agreement cannot be reached the Board shall select, or in the event of no selection the Administrator shall appoint, an impartial chairman to render a decision. If no truly representative

labor organization exists the employee members of such Board may, upon request of the Administrator, be chosen by the Labor Advisory Board of the National Recovery Administration. The employer representatives shall be chosen by the Code Authority. The Industrial Relations Board may establish such subsidiary agencies constituted in like manner as it finds necessary. This section shall not be deemed to provide final arbitration of labor disputes unless both parties thereto assent.

ARTICLE VI—HOURS OF LABOR

1. No shore employee, except outside salesmen, solicitors, and watchmen shall be permitted to work in excess of forty hours in any one week, between December 1st and April 1st; nor in excess of forty-four hours in any similar period between April 1st and December 1st.

2. No shore employee engaged in the capacity of watchman shall be permitted to work in excess of fifty-six hours in any one week.

3. The provisions as to hours of labor as provided herein shall not apply to those employees in a managerial, supervisory, or executive capacity who receive \$35.00 or more per week; or to ship keepers on vessels in laid-up or inoperative status.

4. The maximum hours of labor of vessel employees shall be in accordance with the schedule of working conditions provided for in Article VII, Section 5.

5. The maximum hours of labor prescribed herein shall not apply to any employee engaged on emergency work, provided that any employee required to work additional hours under the exemption allowed by this article shall be compensated for such additional time worked at one and one half times the normal rate of pay.

ARTICLE VII—WAGES

1. No shore employee shall be paid at the rate of less than \$15.00 per week except office boys and girls who may be compensated at not less than eighty percent of that amount, provided that the total number of those so compensated shall not exceed five percent of the total number of office employees with a minimum of two.

2. No shore watchmen shall be paid less than forty cents per hour.

3. The minimum monthly rate of pay for vessel employees with subsistence¹ and suitable living quarters shall be as follows:

Rank	Tug	Class of vessel		Rank	Tug	Class of vessel	
		Motor or steam vessel	Non-propelled vessel			Motor or steam vessel	Non-propelled vessel
Captain.....	\$200.00	\$200.00	\$90.00	Cook and steward.....	\$70.00	\$70.00	-----
Mate.....	150.00	150.00	-----	Messboys.....	50.00	50.00	-----
Deckhand.....	60.00	50.00	-----	Watchmen.....	-----	70.00	-----
Chief engineer.....	160.00	160.00	-----	Wheelsman.....	-----	90.00	-----
First assistant engineer.....	140.00	140.00	-----	Oilers.....	70.00	70.00	-----
Second assistant engineer.....	125.00	125.00	-----	Firemen.....	70.00	70.00	-----
Radio operator.....	90.00	90.00	-----	Ship keepers ¹	40.00	40.00	\$40.00

¹ This rate allowed only on vessels in laid-up inoperative status.

¹ Not provided to employees on nonpropelled vessels or ship keepers.

The foregoing minimum wage schedule shall be effective only until superseded by an adjusted wage scale as provided for herein, provided however, that in no event shall rates of pay existing November 15, 1933, be reduced.

4. Within 10 days after the effective date of this Code each member of the trade shall submit a report to the Code Authority on the wages and working conditions in effect on the vessels operated by that member.

5. The Code Authority upon receipt of this information shall compile an adjusted schedule of minimum wages for all classifications of vessel employees on all types of vessels operating within the limits of this code, and compile a schedule of working conditions which will tend to better effectuate the declared policy of the Act. The Code Authority shall submit such schedule of wages and working conditions to the Administrator within sixty days after the effective date of this Code.

6. Such schedule when approved by the Administrator shall become a part of this code and a violation thereof by a member of the trade shall be a violation of the code.

ARTICLE VIII—TARIFFS

The Inland Water Carrier Trade has been in a chaotic state for a number of years due to the serious and unrestrained competition both from within the trade itself and with competing transportation media. To end these destructive practices provision must be made for the establishment of minimum rates, fares, and charges by the members of the trade.

That a need for such regulation exists is borne out by a report of the Interstate Commerce Commission of August 5, 1933, which reads in part —

the unrestrained and destructive competition between motor carriers, between water carriers, and of both with rail carriers, is not only having an unduly depressing effect upon the revenues of the rail carriers but is exerting a disorganizing influence upon business in general and tending to prevent the maintenance of a stable and nondiscriminatory rate adjustment by the rail carriers. These conditions will undoubtedly exist as long as interstate motor and water carriers are exempt from requirements that their rates be published and maintained on a reasonably stable and nondiscriminatory basis.

Until such time as the Congress has been enabled to study such recommendations as may be submitted to it and enact appropriate legislation, the following provisions are made in this Code of Fair Competition for the purpose of effecting stabilization of the trade.

1. (a) The Code Authority shall immediately designate a Tariff Committee composed of three members of the Code to deal with rates, fares, and charges. This committee shall endeavor to effect agreements with competing transportation media on a differential basis under rail rates, and shall give due regard to the lowest reasonable cost of service in determining minimum tariffs.

(b) Such lowest reasonable cost shall comprehend fair and reasonable rates of pay to labor and include all other items of expense and overhead as determined by cost-accounting methods approved by the Code Authority and by the Administrator.

2. The members of the Tariff Committee shall make an analysis of the tariff situation and shall obtain from the members of the trade the data requisite to enable the Committee to take into account the factors necessary to the determination of such minimum tariffs.

3. The Tariff Committee shall submit to the members of the trade the proposed minimum tariffs within sixty days from the effective date of the Code. Upon approval of a three-fifths majority of the members of the code, who shall vote upon the basis of tonnage carried during the preceding year, or as otherwise determined by the Code Authority subject to the approval of the Administrator, these minimum tariffs, after approval by the Code Authority, shall be filed with the Administrator and become a part of this Code subject to the review and disapproval of the Administrator. These minimum tariffs shall, however, be subject to review and modification by the Administrator in event of protest.

4. Should the necessity for such review arise, the Administrator shall consider the examination and recommendation of the Division of Regulation of the United States Shipping Board Bureau of the Department of Commerce or the Interstate Commerce Commission. The decision of the Administrator, however, after such notice and hearing as he may specify, shall be final.

5. Nothing herein shall apply to rates, fares, or charges established under the jurisdiction of Federal or State regulatory bodies.

6. Adjustments of these minimum tariffs may be made at any time by the Code Authority in the manner as hereinbefore provided, subject to review and disapproval by the Administrator.

7. To meet foreign competition the Code Authority may, as it appears necessary, reduce the minimum tariffs provided for herein, and shall notify the Administrator of such reduction.

ARTICLE IX—STATISTICS AND REPORTS

1. Members of the trade, when requested, shall furnish to the Code Authority such information as may be necessary for the proper administration of this code, and to acquaint and keep the President informed as to the observance or nonobservance of the provisions of this code, and as to whether such members of the trade are effectuating and taking the necessary action to attain the declared policy of the Act, and these data shall be available in the office of the secretary of the Code Authority for inspection by the members of the code.

2. The Code Authority shall not require a member of the trade to disclose trade secrets or names of customers.

3. Failure of any member of the trade to furnish the information required by the Code Authority, substantially in the form requested, shall constitute a violation of the code.

4. Members of the trade, however, shall have the right to refuse to divulge information of a confidential nature to anyone except the Administrator.

5. The Code Authority or the Administrator may verify the information furnished by any member of the trade through an examination of the pertinent records of such member by a disinterested certified public accountant designated by the Code Authority or by the

Administrator. The cost of such verification shall be considered an expense of administering the code. The Administrator may also verify information furnished by a member of the trade through his own agents.

6. In addition to the information required to be submitted to the Code Authority there shall be furnished to Federal and State agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act; provided, that nothing in this Code shall relieve any member of the trade of any existing obligations to furnish reports to any government agency.

ARTICLE X—ADMINISTRATION

1. For the purposes of administration of this code there shall be constituted a Code Authority consisting of not more than five members to be elected from the members of the trade as hereinafter provided.

2. The Administrator in his discretion may appoint not more than three additional members without vote to represent such groups or governmental agencies as he may designate. Such members, if and when appointed, shall serve for a term of from six months to one year, and their appointments shall be so arranged that they shall not expire at the same time.

3. The members of the Code Authority provided in Section 1, shall be elected by the eligible members of the trade within ten days after the effective date of the Code, under the auspices of the Trade Association submitting the code. Three members of the Code Authority shall be elected, the basis of voting to be tonnage carried during the preceding year; two members of the Code Authority shall be elected by a majority of the eligible members of the trade, each member casting one vote.

4. In order that the Code Authority shall at all times be truly representatives of the trade and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

5. Each trade association directly or indirectly participating in the selection or activities of the Code Authority shall: (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

6. The Code Authority shall have all the duties and powers permitted by the Act, including, but without limitation, the making of such rules and regulations, the appointing of such committees, the employing or designating of such agents and the making of inquiries or investigations as may be necessary; and shall cooperate with the Administrator, with full power to represent the trade in effectuating the policies of the Act and the provisions of this code.

7. If the Administrator shall determine that any action of the Code Authority or any agency thereof is unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended for a period of not to exceed thirty days to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall be taken only upon approval by the Administrator.

8. Nothing contained in this code shall constitute the members of the Code Authority partners for any purpose, nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority, nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful misfeasance or nonfeasance.

9. Members of the trade shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this code and sustaining their reasonable share of the expenses of its administration. Such proportional expenses shall be based on tonnage carried, and such assessment shall be at the rate of $1\frac{1}{2}$ cents per ton of 2,240 pounds, and a report of the tonnage carried, with a check or payment for the member's share of expenses, shall be filed with the Code Authority within 15 days after the close of each calendar month. These assessments are subject to review by the Administrator; and changes as conditions may require may be made by the Code Authority, subject to review by the Administrator.

10. A member of the trade shall be eligible to vote to elect the Code Authority if such member has notified the Administrator, or the Canal Carriers Association at its headquarters, New York, N.Y., that he desires to participate in this Code of Fair Competition, as provided for in Appendix I attached hereto.

ARTICLE XI—TRADE PRACTICES

It shall be an unfair method of competition and a violation of the provisions of this Code for any member of the Trade:

1. To give or accept rebates, refunds, discounts, demurrage allowances other than tariff provisions; gratuities in any form, or to make discount payments or returns of any nature or description directly or indirectly on shipments, contracts, or refunds on any cargo of any nature whatsoever, or to employ any person, firm or corporation as the representative through whom or to whom a payment of compensation shall serve as any rebate, payment or return.

2. To sign a receipt for goods in good condition when the goods for which such receipt is given are in other than good condition. Any receipt for goods except in good condition shall specify and note the actual condition of the goods for which such receipt is given.

3. To pay freight brokerage respecting cargoes transported by a member of the trade. None of the provisions of this section shall

apply, however, to the booking of grain cargoes, and a commission not to exceed 2½ percent may be paid for booking grain cargoes.

4. To fail to pay assessments as provided in Article X, Section 9.

5. (a) Each member of the trade shall book all cargoes in his own name with the right to sublet the contract to other members of the trade at not less than the minimum tariffs filed less five percent.

(b) All agency agreements entered into after the approval date of this code shall be filed with the Code Authority and shall be subject to the regulations of said Code Authority (regulations to be approved by a three-fifths majority of the members of the code voting on the basis of tonnage carried) subject to review and disapproval by the Administrator. A violation of this section shall be a violation of this code.

ARTICLE XII—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XIII—MODIFICATION

1. This code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation issued under said Act.

2. This code, except as to provisions required by the Act, may be modified, or extended as to territory, on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify and on approval by the Administrator shall become a part of this code.

ARTICLE XIV—ADJUSTMENTS

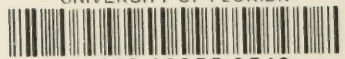
1. All contracts made after the approval date of this code shall conform to a form of contract prescribed by the Tariff Committee and approved by the Code Authority.

2. All members of the trade who claim exemptions from the tariff provisions herein on the basis of unfilled or unexpired contracts shall submit such contracts to either the Code Authority or the Administrator for determination as to their bona fide character; and the Code Authority or the Administrator shall endeavor to promote an equitable adjustment of the terms and conditions of said contract in conformity with the provisions of the terms of this code, but such contracts when so submitted shall be held in confidence.

ARTICLE XV—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval by the President, except as otherwise provided herein.

Approved Code No. 266.
Registry No. 1417-14.



APPENDIX I

(City) -----

(Date)-----

We (I) assent to the Code of Fair Competition for the Inland Water Carrier Trade in the Eastern Division of the United States operating via the New York Canal System as approved by the President of the United States on the ----- day of ----- 1934, and request a Certificate of Participation as provided in said Code, desiring to share in the benefits and obligations as provided in the Code.

(Company)-----
(Individual)-----
(Title)-----
Address

(294)

○